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Johan Paul Marie Linnartz

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EXAMINER

HUANG, TSAN-YU J

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PAPER NUMBER

3685

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/517,919	<b>Applicant(s)</b> LINNARTZ, JOHAN PAUL MARIE	
	<b>Examiner</b> TSAN-YU JAY HUANG	<b>Art Unit</b> 3685	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 May 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Acknowledgements***

This Office Action is in response to the original application filed on May 15th, 2009.

The Examiner notes that United States Patent Application Publication paragraph numbers in the Office Action will be referred to as [#####], ##### representing the paragraph number.

The Examiner notes that an ellipsis (...) marks an intentional omission of a phrase from the original text, and is not shorthand for the actual phrase.

The Examiner notes that the usage of "etc" marks a continuation of the phrase from the original text.

### ***Status of Claims***

Claims 1-19 are currently pending and have been examined.

Claims 1-19 are rejected as set forth below.

***Claim Rejections – 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-4, 7, and 9-10** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,031,815 to *Heemskerk*, in view of United States Patent No. 6,185,703 to *Guddat*.

3. **Regarding claim 1**, Heemskerk teaches a system, comprising:

a storage medium (column 3, line 50–column 4, line 18);

read means for reading content data and control logic data from the storage medium, the control logic data being uniquely linked to the storage medium...; (column 7, lines 27-41, the information is the content data and the address information is the control logic data; column 4, lines 33-43, the auxiliary information being stored in a reference pattern and not being able to be copied results in a unique link to the storage medium)

processing means, coupled to the read means, for processing the content data and feeding the processed content data to an output (column 7, line 42–column 8, line 17, the processors 43 and 44 compose of the processing means; figure 4, the first processor 43 and the auxiliary processor 44 are coupled to the read/write head 31; column 8, lines 24-27, sending data from processor 43 to the processing unit 50 is

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feeding the processed content data to an output); and

control means, coupled to the read means, for processing the control logic data and for controlling the processing means in accordance with the control logic data being processed. (column 7, lines 27-41, the system controller and demodulation means 32 compose of the control means, positioning the reading unit 31 is executing the control logic data, applying the auxiliary information to the system controller to control the releasing of the information blocks is controlling the processing means in accordance with the control logic data being executed; figure 3, the demodulator 32 is coupled to the read/write head 31);

*Heemskerk* does not explicitly teach:

the control logic data comprising executable code or instructions.

control means, coupled to the read means, for executing the control logic data and for controlling the processing means in accordance with the control logic data being executed.

However, *Guddat* teaches:

the control logic data comprising executable code or instructions. (column 2 lines 52 – column 3 lines 20)

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control means, coupled to the read means, for executing the control logic data and for controlling the processing means in accordance with the control logic data being executed. (column 2 lines 52 – column 3 lines 20)

One of ordinary skill in the art at the time of the invention would have been motivated to modify *Heemskerk* with the features taught by *Guddat* because modifying the control means to execute executable code or instructions allows the system to process computer instructions, thus increasing the amount of control that is allowed to the system in accessing the content data.

4. **Regarding claim 2**, *Heemskerk* and *Guddat* disclose the invention as claimed.

See the discussion of claim 1.

*Heemskerk* further teaches: wherein the read means are arranged for reading out variations in a physical parameter of the storage medium, said variations exhibiting a modulation pattern representing a necessary parameter for obtaining access to the control logic data (column 4, lines 44-67, the reference patterns 2 are the variations in a physical parameter; column 5, lines 13-16, the auxiliary information written in the reference patterns is the necessary parameter for obtaining access to the control logic data).

5. **Regarding claim 3**, *Heemskerk* and *Guddat* disclose the invention as claimed.

See the discussion of claim 2.

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Heemskerk further teaches: wherein the control logic data is stored encrypted on the storage medium, and the necessary parameter comprises a decryption key to decrypt the encrypted control logic data (column 5, lines 11-13, the decoding key is the decryption key; column 6, lines 64-65, encryption methods known to one of ordinary skill in the art at the time of invention can be applied to the control logic data in addition to the content data because data is structurally the same, regardless of its function).

6. **Regarding claim 4**, *Heemskerk* and *Guddat* disclose the invention as claimed.

See the discussion of claim 2.

Heemskerk further teaches: wherein the necessary parameter comprises authentication data for the control logic data, and the control means are arranged for verifying the authenticity of the control logic data using the authentication data before executing the control logic data (column 5, lines 11-13, the access codes is the authentication data).

7. **Regarding claim 7**, *Heemskerk* and *Guddat* disclose the invention as claimed.

See the discussion of claim 1.

8. **Regarding claim 9**, *Heemskerk* and *Guddat* disclose the invention as claimed.

See the discussion of claim 7.

Heemskerk further teaches: exhibiting variations in a physical parameter of the storage medium, said variations exhibiting a modulation pattern representing a necessary parameter for obtaining access to the control logic data (column 4, lines 44-67, the

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reference patterns 2 are the variations in a physical parameter; column 5, lines 13-16, the auxiliary information written in the reference patterns is the necessary parameter for obtaining access to the control logic data).

9. **Regarding claim 10**, *Heemskerk* and *Guddat* disclose the invention as claimed.

See the discussion of claim 7.

*Heemskerk* further teaches: comprising an optical storage medium (column 3, lines 50-51).



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10. **Claims 5-6 and 8** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,031,815 to Heemskerk and United States Patent No. 6,185,703 to *Guddat*, in view of U.S. Patent No. 5,905,798 to Nerlikar,

11. **Regarding claim 5**, *Heemskerk* and *Guddat* disclose the invention substantially as claimed. See the discussion of claim 1. *Heemskerk* and *Guddat* does not specifically disclose "the storage medium comprises an integrated circuit which contains a necessary parameter for obtaining access to the control logic data, and the read means are arranged for reading out the necessary parameter from the integrated circuit."

12. However, Nerlikar discloses "the storage medium comprises an integrated circuit which contains a necessary parameter for obtaining access to the control logic data, and the read means are arranged for reading out the necessary parameter from the integrated circuit." (column 2, lines 4-10, the TIRIS cipher is the integrated circuit, the TIRIS transceiver is the read means; column 2, line 61-column 3, line 7, the unique ID, serial number, or BATCH number is the necessary parameter)

13. One of ordinary skill in the art at the time of the invention would have been motivated to modify *Heemskerk* and *Guddat* with the integrated circuit taught by Nerlikar because using an integrated circuit is a logical and versatile means for storing a necessary parameter, a necessary step in order for said system to provide a secure storage of content. The integrated circuit allows for sophistication in the control and tracking of the digital content (Nerlikar, column 1, line 67-column 2, line 4). Therefore,

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the invention as a whole would have been prima facie obvious to one of ordinary skill in the art at the time of the invention.

14. **Regarding claim 6**, *Heemskerk* and *Guddat* discloses the invention substantially as claimed. See the discussion of claim 5. *Heemskerk* and *Guddat* does not specifically disclose “the read means are further arranged for storing a value of an additional parameter on the integrated circuit.”

15. However, *Nerlikar* discloses “the read means are further arranged for storing a value of an additional parameter on the integrated circuit.” (column 3, lines 28-47, the post-manufactured rewriteable data is the additional parameter, the advanced readers making use of the post-manufactured rewriteable data is the read means storing a value of an additional parameter)

16. One of ordinary skill in the art at the time of the invention would have been motivated to modify *Heemskerk* and *Guddat* with the limitations taught by *Nerlikar* because adding an additional parameter on the integrated circuit is an efficient means of adding more functionality and allowing for more information to be stored on said system. It is also obvious to one of ordinary skill in the art to write data to an integrated circuit. Therefore, the invention as a whole would have been prima facie obvious to one of ordinary skill in the art at the time of the invention.

17. **Regarding claim 8**, *Heemskerk* and *Guddat* discloses the invention substantially as claimed. See the discussion of claim 7. *Heemskerk* and *Guddat* does not specifically disclose “an integrated circuit which contains a necessary parameter for obtaining access to the control logic data.”

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18. However, Nerlikar discloses “an integrated circuit which contains a necessary parameter for obtaining access to the control logic data.” (column 2, lines 4-10, the TIRIS cipher is the integrated circuit, the TIRIS transceiver is the read means; column 2, line 61-column 3, line 7, the unique ID, serial number, or BATCH number is the necessary parameter)

19. One of ordinary skill in the art at the time of the invention would have been motivated to modify *Heemskerk* and *Guddat* with the integrated circuit taught by Nerlikar because using an integrated circuit is a logical and versatile means for storing a necessary parameter, a necessary step in order for said system to provide a secure storage of content. The integrated circuit allows for sophistication in the control and tracking of the digital content (Nerlikar, column 1, line 67-column 2, line 4). Therefore, the invention as a whole would have been prima facie obvious to one of ordinary skill in the art at the time of the invention.

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20. **Claims 11-14, 17, and 19** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,031,815 to Heemskerk and United States Patent No. 6,185,703 to *Guddat*, in view of U.S. Patent No. 5,745,568 to O'Connor.

21. **Regarding claim 11**, *Heemskerk* and *Guddat* discloses the invention as claimed. See the discussion of claim 1.

*Heemskerk* and *Guddat* does not teach “to enable the host apparatus to establish that it is installed in a compliant system and, when installed in the compliant system, to enable the processing means to feed the processed content data to an output.”

22. However, O'Connor teaches “to enable the host apparatus to establish that it is installed in a compliant system and, when installed in the compliant system, to enable the processing means to feed the processed content data to an output.” (column 3, line 66-column 4, line 16, the verify software-hardware association step 134 is enabling the host apparatus to establish that it is installed in a compliant system)

23. One of ordinary skill in the art at the time of the invention would have been motivated to modify *Heemskerk* and *Guddat* with the limitations taught by O'Connor because such a method of establishing a compliant system is merely using an authentication data protocol between the storage medium and the output, which in the case of O'Connor is a CPU. Said method improves on said system by providing another layer of security. Such authentication data protocols are commonly known to one of ordinary skill in the art at the time of the invention. Therefore, the invention as a

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whole would have been prima facie obvious to one of ordinary skill in the art at the time of the invention.

24. **Regarding claim 12**, *Heemskerk* and *Guddat* disclose the invention as claimed. See the discussion of claim 11.

*Heemskerk* further teaches: wherein the read means are arranged for reading out variations in a physical parameter of the storage medium, said variations exhibiting a modulation pattern representing a parameter for obtaining access to the control logic data (column 4, lines 44-67, the reference patterns 2 are the variations in a physical parameter; column 5, lines 13-16, the auxiliary information written in the reference patterns is the necessary parameter for obtaining access to the control logic data).

25. **Regarding claim 13**, *Heemskerk* and *Guddat* disclose the invention as claimed. See the discussion of claim 12.

*Heemskerk* further teaches:, wherein the control logic data is stored encrypted on the storage medium, and the parameter comprises a decryption key for decrypting the encrypted control logic data (column 5, lines 11-13, the decoding key is the decryption key; column 6, lines 64-65, encryption methods known to one of ordinary skill in the art at the time of invention can be applied to the control logic data in addition to the content data because data is structurally the same, regardless of its function).

26. **Regarding claim 14**, *Heemskerk* and *Guddat* disclose the invention as claimed. See the discussion of claim 12.

Heemskerk further teaches:, wherein the parameter includes authentication data for the control logic data, and the control means are arranged for verifying the authenticity of the control logic data using the authentication data before executing the control logic data (column 5, lines 11-13, the access codes is the authentication data).

27. **Regarding claim 17**, *Heemskerk* and *Guddat* discloses the invention as claimed. See the discussion of claim 11.

*Heemskerk* further teaches “a multimedia terminal coupled to the output of the host apparatus.” (column 5, lines 35-44, the computer system is the multimedia terminal).

*Heemskerk* and *Guddat* does not teach “to enable the host apparatus to establish that it is installed in a compliant system and, when installed in the compliant system, to enable the processing means to feed the processed content data to an output.”

28. However, O'Connor teaches “to enable the host apparatus to establish that it is installed in a compliant system and, when installed in the compliant system, to enable the processing means to feed the processed content data to an output.” (column 3, line 66-column 4, line 16, the verify software-hardware association step 134 is enabling the host apparatus to establish that it is installed in a compliant system)

29. One of ordinary skill in the art at the time of the invention would have been motivated to modify *Heemskerk* and *Guddat* with the limitations taught by O'Connor because such a method of establishing a compliant system is merely using an

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authentication data protocol between the storage medium and the output, which in the case of O'Connor is a CPU. Said method improves on said system by providing another layer of security. Such authentication data protocols are commonly known to one of ordinary skill in the art at the time of the invention. Therefore, the invention as a whole would have been prima facie obvious to one of ordinary skill in the art at the time of the invention.

30. **Regarding claim 19**, *Heemskerk* and *Guddat* and O'Connor disclose the invention as claimed. See the discussion of claim 17.

*Heemskerk* further teaches the system according to claim 17, comprising one of a Compact Disc player, a DVD player, a personal computer, a television system and a radio system (column 5, lines 35-44, the computer system is the personal computer).

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31. **Claims 15-16** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,031,815 to Heemskerk and United States Patent No. 6,185,703 to *Guddat*, in view of U.S. Patent No. 5,745,568 to O'Connor as applied to claim 11 above, and further in view of U.S. Patent No 5,905,798 to Nerlikar.

32. **Regarding claim 15**, *Heemskerk*, *Guddat*, and O'Connor discloses the invention substantially as claimed. See the discussion of claim 11. *Heemskerk*, *Guddat*, and O'Connor does not specifically disclose "the storage medium includes an integrated circuit containing a parameter for obtaining access to the control logic data, and the read means are arranged for reading the parameter from the integrated circuit."

33. However, Nerlikar discloses "the storage medium includes an integrated circuit containing a parameter for obtaining access to the control logic data, and the read means are arranged for reading the parameter from the integrated circuit." (column 2, lines 4-10, the TIRIS cipher is the integrated circuit, the TIRIS transceiver is the read means; column 2, line 61-column 3, line 7, the unique ID, serial number, or BATCH number is the necessary parameter)

34. One of ordinary skill in the art at the time of the invention would have been motivated to modify *Heemskerk*, *Guddat*, and O'Connor with the integrated circuit taught by Nerlikar because using an integrated circuit is a logical and versatile means for storing a necessary parameter, a necessary step in order for said system to provide a secure storage of content. The integrated circuit allows for sophistication in the control and tracking of the digital content (Nerlikar, column 1, line 67-column 2, line 4).



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Therefore, the invention as a whole would have been prima facie obvious to one of ordinary skill in the art at the time of the invention.

35. **Regarding claim 16**, *Heemskerk, Guddat*, and O'Connor discloses the invention substantially as claimed. See the discussion of claim 15. *Heemskerk, Guddat*, and O'Connor does not specifically disclose "the read means are further arranged to store a value of an additional parameter on the integrated circuit."

36. However, *Nerlikar* discloses "the read means are further arranged to store a value of an additional parameter on the integrated circuit." (column 3, lines 28-47, the post-manufactured rewriteable data is the additional parameter, the advanced readers making use of the post-manufactured rewriteable data is the read means storing a value of an additional parameter)

37. One of ordinary skill in the art at the time of the invention would have been motivated to modify *Heemskerk, Guddat*, and O'Connor with the limitations taught by *Nerlikar* because adding an additional parameter on the integrated circuit is an efficient means of adding more functionality and allowing for more information to be stored on said system. It is also obvious to one of ordinary skill in the art to write data to an integrated circuit. Therefore, the invention as a whole would have been prima facie obvious to one of ordinary skill in the art at the time of the invention.

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38. **Claim 18** is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.

Patent No. 6,031,815 to Heemskerk and United States Patent No. 6,185,703 to *Guddat*, in view of U.S. Patent No. 5,745,568 to O'Connor, and further in view of U.S. Patent No. 6,070,154 to Tavor.

39. **Regarding claim 18**, Heemskerk discloses the invention substantially as claimed. See the discussion of claim 17. *Heemskerk*, *Guddat*, and O'Connor does not specifically disclose "the system is configured for engaging in an authentication protocol between the host apparatus and the multimedia terminal to establish a common encryption key for encrypting the processed content data before feeding the processed content data to the output."

40. However, Tavor discloses "the system is configured for engaging in an authentication protocol between the host apparatus and the multimedia terminal to establish a common encryption key for encrypting the processed content data before feeding the processed content data to the output." (column 2, lines 29-56, the authentication protocol using a common encryption key can be applied from two computers over the Internet to a host apparatus and a multimedia terminal over a wired connection)

41. One of ordinary skill in the art at the time of the invention would have been motivated to modify *Heemskerk*, *Guddat*, and O'Connor with the authentication protocol taught by Tavor because such a method of using a common encryption key improves on said system by providing another layer of security. Such authentication data protocols are commonly known to one of ordinary skill in the art at the time of the

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invention. Therefore, the invention as a whole would have been prima facie obvious to one of ordinary skill in the art at the time of the invention.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TSAN-YU JAY HUANG whose telephone number is (571)270-7039. The examiner can normally be reached on Monday to Friday, 9:00 am - 5:00 pm Eastern Standard Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Calvin L. Hewitt, II can be reached on (571)272-6709. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/TSAN-YU J HUANG/  
Examiner, Art Unit 3685  
September 14, 2009

/ANDREW J. FISCHER/  
Supervisory Patent Examiner, Art Unit 3621